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FOR IMMEDIATE RELEASE

Terry Goddard Asks Court to Order EPA to Act on Auto Emissions

(Phoenix, Ariz. – April 2, 2008) Attorney General Terry Goddard today asked the U.S. Court of Appeals for the District of Columbia Circuit to order the Environmental Protection Agency (EPA) to respond to last year's landmark ruling in *Massachusetts v. EPA*.

That ruling, which the U.S. Supreme Court issued exactly one year ago today, required the EPA to make a decision on whether to regulate greenhouse gas emissions from motor vehicles under the federal Clean Air Act. A year later, the EPA still has not issued a decision. Today's court filing, known as a Petition for Mandamus, requests an order requiring the EPA to act within 60 days.

Goddard joined Attorneys General from 17 states, the Corporation Counsel for the City of New York, the Pennsylvania Department of Environmental Protection, the City Solicitor of Baltimore and 12 environmental advocacy groups in this court action.

"The EPA's failure to act is unconscionable and puts the public and the environment at risk for no reason," Goddard said. "It is unfortunate that we have to take the agency to court to force it to do its job."

In *Massachusetts v. EPA*, the Supreme Court ruled that – contrary to the EPA's claim – the agency has authority to regulate greenhouse gases under the Clean Air Act. The Court also declared that the agency could not refuse to exercise that authority based on the agency's policy preferences. Instead, the EPA would have to decide, based on scientific information, whether it believed that greenhouse gas emissions were posing dangers to public health or welfare.

According to the petition, after last year's ruling, the EPA publicly made clear its belief that greenhouse gases were in fact endangering public health or welfare. Once the EPA makes that determination, it must regulate greenhouse gases under the Clean Air Act. On multiple occasions, the agency promised that it would respond to the Court's opinion

by issuing an endangerment determination and draft motor vehicle emissions standards by the end of 2007.

The petition further asserts that the EPA has already prepared an endangerment determination. A Congressional investigation conducted by Congressman Henry Waxman confirmed that the EPA in fact sent its draft endangerment determination and proposed regulations to the Office of Management & Budget in December 2007.

The EPA has now declined to issue that proposed endangerment determination, and it last week said that it would delay responding to the Supreme Court's opinion until after it conducts a lengthy public comment period later this year to examine policy issues raised by regulating greenhouse gases under the Clean Air Act.

Joining Arizona in today's Petition for Mandamus are: the states of California, Connecticut, Delaware, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont and Washington, the City of New York, the Pennsylvania Department of Environmental Protection, the Mayor and City Council for Baltimore, Center for Biological Diversity, Center for Food Safety, Conservation Law Foundation, Environmental Advocates, Environmental Defense Fund, Friends of the Earth, Greenpeace, International Center for Technological Assessment, Natural Resources Defense Council, Sierra Club and U.S. Public Interest Research Group. All of these parties were either petitioners in *Massachusetts v. EPA*, or joined amicus briefs in support of the petitioners.

This matter is being handled for Arizona by Assistant Attorney General Joseph Mikitish.

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